

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MTGLQ INVESTORS, L.P.,	§	
	§	
Plaintiff,	§	Civil Action No. 1:19-cv-00992-RP
	§	
v.	§	
	§	
JERRY K. WALDEN, Jr. a/k/a	§	
JERRY K. WALDEN and	§	
TAMATHA WALDEN,	§	
	§	
Defendants.	§	

PLAINTIFF’S MOTION FOR ATTORNEY’S FEES

Plaintiff MTGLQ Investors, L.P. (“Plaintiff”) files this *Motion for Attorney’s Fees* (“Motion”), and respectfully shows the Court:

1. On October 11, 2019, Plaintiff filed its *Original Complaint* against Defendants Jerry K. Walden, Jr. a/k/a Jerry K. Walden and Tamatha Walden seeking an order allowing foreclosure against their interest in certain real property. (ECF Doc. No. 1.)

2. On October 14, 2020, the Court entered a Final Judgment granting Plaintiff’s Motion for Final Summary Judgment. (ECF Doc. No. 43.) The Court further provided that Plaintiff shall file its Motion pursuant to Federal Rule of Civil Procedure 54(d)(2)(B)(i) to recover its attorney’s fees from Borrowers as part of the debt owed under the Loan Agreement. (*Id.*)

3. Plaintiff incurred \$19,993.61 in reasonable and necessary attorneys’ fees in filing and prosecuting Plaintiff’s claims to enforce its interest in certain real property as a result of the default under the Loan Agreement made subject to this suit. See **Exhibit A**, Declaration of Mark D. Cronenwett. A true and correct copy of the detailed billing statements showing the attorneys’

fees by name, date, and amount is attached hereto as **Exhibit A-2**. Accordingly, in this Motion, Plaintiff requests an award of attorneys' fees in the amount of \$19,993.61 that it has incurred in this case.

4. Plaintiff is entitled to attorneys' fees pursuant to Texas Civil Practice and Remedies Code section 38.001 because this suit is to enforce a written contract through foreclosure. *See* TEX. CIV. P. REM. CODE § 38.001(8). Furthermore, the loan contract provides for recovery of reasonable attorneys' fees incurred in pursuit of foreclosure. (*See* ECF Doc. No. 13-1 at page 71.)

PRAYER

For these reasons, Plaintiff MTGLQ Investors, L.P. requests that the Court award it its attorneys' fees in the total amount of \$19,993.61, to be recovered from as a further obligation owed by them under the Texas Home Equity Note and Texas Home Equity Security Instrument made basis of this suit. Plaintiff also prays for all relief, whether at law or in equity, to which it is justly entitled.

Respectfully submitted,

By: /s/ Mark Cronenwett

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Attorneys for Plaintiff

CERTIFICATE OF CONFERENCE

This is to certify that counsel for Plaintiff attempted to communicate with Defendant's counsel by emailing him a draft of the motion of October 16, 2020. After receiving no response, counsel for Plaintiff followed up with Defendant's counsel on October 27, 2020 by emailing him but received no response. Therefore, the Motion is presented to the Court for determination.

/s/ Mark D. Cronenwett
MARK D. CRONENWETT

CERTIFICATE OF SERVICE

I do hereby certify that I have caused a copy of the foregoing to be delivered to the following as indicated below on October 28, 2020.

Via ECF Notification:

William D. Davis
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Attorney for Defendants

/s/ Mark Cronenwett
MARK CRONENWETT